

Kentucky Intergovernmental Review Process

Division for Air Quality – Fugitive Emissions Comments

The project to which this comment is attached involves construction, renovation, demolition, or some other activity, which might result in the generation of fugitive emissions. The Kentucky Division for Air Quality conditionally approves the proposed project, contingent upon conformance with regulatory requirements for fugitive emissions. The information listed below provides guidelines on Kentucky's fugitive emissions regulations:

Fugitive Emissions means the emissions of any air contaminant into the open air other than from a stack or air pollution control equipment exhaust.

Affected Facility means an apparatus, operation, road which emits or may emit fugitive emissions provided that the fugitive emissions from such facility are not elsewhere subject to an opacity standard within the administrative regulations of the Division for Air Quality.

Open Air means the air outside buildings, structures, and equipment.

Kentucky Division for Air Quality Regulation 401 KAR 63:010 states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:

- Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operation, the grading of roads or the clearing of land.
- Application and maintenance of asphalt, oil, water, or suitable chemicals on roads materials stockpiles, and other surfaces which can create airborne dusts.
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emission during handling. Adequate containment methods shall be employed during sandblasting or other similar operations.
- Covering at all times, when in motion, open bodied trucks transporting materials likely to become airborne.
- The maintenance of paved roadways in a clean condition.
- The prompt removal of earth or other material from a paved street, which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

- No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.
- When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may order that the building or equipment in which processing, handling, and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.
- The provisions of this administrative regulation shall not apply to agricultural practices, such as tilling of the land or application of fertilizers, which take place on a farm.
- At all times when in motion, open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered.
- Agricultural practices, such as tillage of land or application of fertilizers, which take place on a farm shall be conducted in such a manner as to not create a nuisance to others residing in the area. Agricultural practices are not subject to the opacity standard.
- The provisions of Section 3(1) and (2) of this administrative regulation shall not be applicable to temporary blasting or construction operations.
- No one shall allow earth or other materials being transported by truck or earth moving equipment to be deposited onto a paved street or roadway.

The requirements for Fugitive Emissions may found in the following regulation:

401 KAR 63:010 Fugitive Emissions

Questions may be directed to the Division for Air Quality, Field Operations Branch, at 502-573-3382.